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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,161	02/14/2002	Gary David Hanks	01-189	8626

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EXAMINER

UPTON, CHRISTOPHER

ART UNIT	PAPER NUMBER
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1724

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DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

076161

Applicant(s)

Hanks

Examiner

Upton

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-31 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 12-14 and 25-30 is/are allowed.
- ☒ Claim(s) 1-4, 6-8, 10, 15-18, 20 and 31 is/are rejected.
- ☒ Claim(s) 5, 9, 11, 19 and 21-24 is/are objected to.
- ☒ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

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1. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 does not recite the direction in which the angle increases.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Middelbeek, North or Tao et al.

Middelbeek, North and Tao disclose separators having plural inclined baffles providing a serpentine flow, as claimed.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ripptoe et al or Glasgow.

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Ripptoe and Glasgow disclose separators having plural inclined baffles, as claimed.

5. Claims 1, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Jakubeck.

Jakubeck discloses a separator having an inlet in the top and a plural inclined baffles, as claimed.

6. Claims 1, 2, 4, 6, 8, 15-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold.

Arnold disclose a chamber having plural inclined baffles comprising a plurality of layered subplates spaced from alternating walls, providing a serpentine flow, as claimed. While Arnold does not disclose the use for liquid separation, it is submitted that this is intended use language failing to structurally limit the device of Arnold.

7. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold.

Claims 7 and 10 differ from Arnold in recitation of the inlet being on the top and the outlet on the wall, instead the reverse. It is submitted that inlets and outlets are obviously reversible, and are not structurally patentably distinct from each other.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of Boogay or Ward.

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Claim 31 differs from Arnold in recitation of a coalescer on the outlet. It is known to put a coalescer around an outlet, as exemplified by Boogay and Ward. It would therefore have been obvious for one of ordinary skill in the art to add a coalescer to the outlet of Arnold, to filter and separate any contaminants.

9. Claims 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Karterman.

Karterman discloses a separator having plural baffles spaced from alternating walls, providing a serpentine flow, as claimed.

10. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 12-14 are allowed.

The recitation of a fluid separator having an inlet, outlet and a plurality of stacked inclined baffles between them, wherein the baffles have an increasing angle to a vertical axis as they approach the outlet patentably distinguishes over the prior art of record.

11. Claims 5, 11 and 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The recitation of a fluid separator having an inlet, outlet and a plurality of stacked inclined baffles between them, wherein the baffles are formed of fluid separation plates in the form of a plurality of triangular plates patentably distinguishes over the prior art of record.

12. Claims 9 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

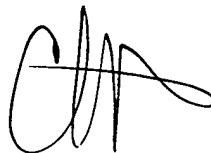
Claims 25-30 are allowed.

The recitation of a fluid separator having an inlet, outlet and a plurality of baffles spaced from alternating side walls and from the front wall patentably distinguishes over the prior art of record.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references of interest include Fuqua, Bouchard and Horiguchi.

14. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.

A handwritten signature in black ink, appearing to be 'CU' with a stylized flourish.

**CHRISTOPHER UPTON
PRIMARY EXAMINER**